

Applic. No. 10/033,127  
Amdt. dated June 29, 2005  
Reply to Office action of April 15, 2005

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1-5, 7-10, and 12 remain in the application. Claims 1, 10, and 12 have been amended. Claims 13 and 14 are being cancelled herewith. Claim 11 was previously cancelled from the application.

In item 2 on page 2 of the above-noted Office action, claims 1-4, 7-10, 12, and 14 have been rejected as being obvious over Jeschke et al. (U.S. Patent No. 4,089,264) (hereinafter "Jeschke") in view of Dini (U.S. Patent No. 3,964,386) and Dudley (U.S. Patent No. 1,798,147) under 35 U.S.C. § 103.

The rejection has been noted and the claims have been amended in an effort to even more clearly define the invention of the instant application. The claims are patentable for the reasons set forth below. Support for the changes is found in claims 13 and 14 and on page 14, lines 7-23 of the specification.

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and the claims have, therefore, not been amended to overcome the

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references. However, the claims have been amended to include subject matter of claims 13 and 14.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful.

Claims 1, 10, and 12 call for, *inter alia*:

the ink-metering device producing only an ink pattern being even over a print width of the roller.

The term "only" in amended claims 1, 10, and 12 emphasizes that the ink metering device is not capable of generating an uneven ink pattern, i.e. an ink duct profile. This is further supported by the term "zone-less inking unit", which limits claim 1, 10, and 12 over the cited prior art references.

More specifically, lines 13-20 on page 14 of the instant application disclose that:

"the inking-unit is formed as a so-called zone-less inking unit for the even metering of the printing ink over the print-width. The aforementioned formation of metering elements of the metering-device does not contradict the foregoing in any way, because an ink-zone profile is not actually created. An ink-zone profile is characterized by an uneven

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course over the print-width. With heretofore known ink-zone adjustment devices for the production of such an ink-zone profile, each of the metering elements is controlled individually to which the extent of coverage and the ink demand of a printing form in the ink zone are assigned. In crass contrast thereto by a metering device including metering elements of the zone-less inking unit within the framework of the invention, an even ink pattern is produced on the roller over the print width. This ink pattern can extend over the print width as one of the ink lines without interruption, as has been repeatedly mentioned hereinbefore."

Furthermore, claims 1, 10, and 12 recite a zone-less inking unit and that the metering unit produces only an ink pattern that is even over a print width of the roller. Jeschke leads a person of ordinary skill in the art away from such a feature because the inking unit in Jeschke has ink zones (column 1, lines 5-8) and consequently, the inking pattern of Jeschke is uneven (Fig. 2).

The arguments provided by the Examiner on page 8 of the Office action that "the metering elements of Jeschke are controllable to such an extent that they could be set to create the same ink profile, and therefore, and ink pattern even over the width of the roller", supports the fact that Jeschke discloses that the ink metering device is divided into ink zones and therefore is not a zone-less ink metering device. Jeschke

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discloses that the ink zones can be adjusted such that the ink pattern is uneven and is an ink duct profile. This is contrary to the invention of the instant application as claimed, in which the ink-metering device produces only an ink pattern that is even over a print width of the roller.

The Jeschke reference discloses that it is possible to adjust the ink zones so that the ink pattern is even. However, such an adjustment of the ink zones is not practically oriented. Jeschke discloses that the ink metering device can do both, namely, produce an even ink pattern (which is not normal practice) and an uneven ink pattern (which is the actual purpose of the ink zones).

Therefore, because Jeschke discloses producing an uneven ink pattern, Jeschke does not disclose a zone-less ink unit and teaches away from a zone-less ink unit. This is contrary to the invention of the instant application as claimed, which only produces an even ink pattern making it a zone-less ink unit.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

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As seen from the above given comment the Jeschke does not show or suggest the ink-metering device producing only an ink pattern that is even over a print width of the roller, as recited in claims 1, 10, and 11 of the instant application.

Neither Dini nor Dudley makes up for the deficiencies of Jeschke.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

Claims 1, 10, and 12 also call for, *inter alia*:

at least one metering element operatively engaging with a roller,...a plurality of glazing rollers disposed downline from the metering element along a peripheral line of the roller, each of the glazing rollers being in rolling contact exclusively with the roller.

Applicant respectfully disagrees with the Examiner's comments on page 4 of the Office action pertaining to Dudley, that "it would have been obvious to one having ordinary skill in the art at the time the invention was made to additionally modify Jeschke to include a plurality of glazing rollers disposed

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downline from said metering element along a peripheral line of said roller, each of said glazing rollers being in rolling contact exclusively with said roller, because Dudley teaches that the glazing rollers assure the best possible distribution of ink on the drum."

The Dudley reference discloses that the ink unit has form rollers (21 and 22) and a vibrator roller (20), which is disposed at the form rollers (21 and 22). The ink unit includes a drum (14) and rider rollers (16) connected thereto. The rider rollers (16) are neither connected to the form rollers (21 and 22) nor to the vibrator roller (20), but instead the rider rollers (16) are connected to the drum (14).

It is noted that according to the instant application, the term ink form roller refers to a roller that rolls off onto the printing form. The printing form in Dudley is denoted with the reference number "10" (Figure of the drawing and page 1, lines 42-45). In the instant application the ink form roller is illustrated as the printing form cylinder "4".

In sharp contrast to Dudley, the glazing rollers as recited in claims 1, 10, and 12 of the instant application are either disposed at the ink form roller or a roller operatively engaging the ink form roller.

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Because Dudley discloses that the rider rollers (16) are disposed out of contact with the form rollers (21 and 22) and also out of contact with the vibrator roller (20), which is operatively engaged to the form rollers (21 and 22), the Dudley reference teaches away from the subject matter of claims 1, 10, and 12.

It is a requirement for a *prima facie* case of obviousness, that the prior art references must teach or suggest all the claim limitations.

Based on the above-given arguments, the references do not show or suggest at least one metering element operatively engaging with a roller,...a plurality of glazing rollers disposed downline from the metering element along a peripheral line of the roller, each of the glazing rollers being in rolling contact exclusively with the roller as recited in claims 1, 10, 12, 13, and 14 of the instant application.

The references applied by the Examiner do not teach or suggest all the claim limitations. Therefore, it is believed that the Examiner has not produced a *prima facie* case of obviousness.

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Furthermore, A critical step in analyzing the patentability of claims pursuant to 35 U.S.C. § 103 is casting the mind back to the time of invention, to consider the thinking of one of ordinary skill in the art, guided only by the prior art references and the then-accepted wisdom in the field. See In re Dembicza, 175 F.3d 994, 999, 50 USPQ2d 1614,1617 (Fed. Cir. 1999). 'Close adherence to this methodology is especially important in cases where the very ease with which the invention can be understood may prompt one "to fall victim to the insidious effect of a hindsight syndrome wherein that which only the invention taught is used against its teacher."

Id. (quoting W.L. Gore & Assocs., Inc. v. Garlock, Inc., 721 F.2d 1540, 1553, 220 USPQ 303, 313 (Fed. Cir. 1983)).

Most if not all inventions arise from a combination of old elements. See In re Rouffet, 149 F.3d 1350, 1357, 47 USPQ2d 1453,1457 (Fed. Cir. 1998). Thus, every element of a claimed invention may often be found in the prior art. See id. However, identification in the prior art of each individual part claimed is insufficient to defeat patentability of the whole claimed invention. See id. Rather, to establish obviousness based on a combination of the elements disclosed in the prior art, there must be some motivation, suggestion or teaching of the desirability of making the specific combination that was made by the appellant. See In re Dance,

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160 F.3d 1339, 1343, 48 USPQ2d 163.5, 1637 (Fed. Cir. 1998);  
In re Gordon, 733 F.2d 900, 902, 221 USPQ 1125,1127 (Fed. Cir. 1984).

The motivation, suggestion or teaching may come explicitly from statements in the prior art, the knowledge of one of ordinary skill in the art, or, in some cases the nature of the problem to be solved. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. In addition, the teaching, motivation or suggestion may be implicit from the prior art as a whole, rather than expressly stated in the references. See WMS Gaming, Inc. v. International Game Tech., 184 F.3d 1339, 1355, 51 USPQ2d 1385, 1397 (Fed. Cir. 1999). The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art. See In re Keller, 642 F.2d 413, 425, 208 USPQ 871, 881 (CCPA 1981) (and cases cited therein). Whether the examiner relies on an express or an implicit showing, the examiner must provide particular findings related thereto. See Dembiczak, 175 F.3d at 999, 50 USPQ2d at 1617. Broad conclusory statements standing alone are not "evidence." Id. When an examiner relies on general knowledge to negate patentability, that knowledge must be articulated and placed

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on the record. See In re Lee, 277 F-3d 1338, 1342-45, 61  
USPQ2d 1430, 1433-35 (Fed. Cir. 2002).

Upon evaluation of the examiner's comments, it is respectfully believed that the evidence adduced by the examiner is insufficient to establish a prima facie case of obviousness with respect to the claims. Accordingly, the examiner is requested to withdraw the rejection.

The following remarks pertain to the limitation of the glazing rollers having one of a rubber-elastic peripheral surface and an elastomeric peripheral surface. On page 12 of the Office action, the Examiner cites Konrad, specifically Fig. 4. Konrad discloses that in the case of a surface roller made of rubber, only a single smoothing roller (5) is to be provided exclusively. The disclosure of Konrad teaches away from using several glazing rollers made of rubber, as recited in claim 1, 10, and 12 of the instant application.

In item 3 on page 10 of the Office action, claim 5 has been rejected as being obvious over Jeschke (U.S. Patent No. 4,089,264) in view of Dini (U.S. Patent No. 3,964,386) and Dudley (U.S. Patent No. 1,798,147) and further in view of Cappel et al. (U.S. Patent No. 3,913,479) (hereinafter "Cappel") under 35 U.S.C. § 103. Cappel does not make up for

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the deficiencies of Jeschke, Dini, and Dudley. Since claim 1 is believed to be allowable, dependent claim 5 is believed to be allowable as well.

In item 4 on page 11 of the Office action, claim 13 has been rejected as being obvious over Jeschke (U.S. Patent No. 4,089,264) in view of Dini (U.S. Patent No. 3,964,386) and Dudley (U.S. Patent No. 1,798,147) and Konrad et al. (U.S. Patent Publication No. 2002/0014171 A1) (hereinafter "Konrad") under 35 U.S.C. § 103. Claim 13 has been cancelled from the application. Therefore, the rejection is moot. However, some of the subject matter of claim 13 has been added to claims 1, 10 and 12. Therefore, the following remarks pertain to the Konrad reference.

More specifically, the following remarks pertain to the limitation of the glazing rollers having one of a rubber-elastic peripheral surface and an elastomeric peripheral surface. On page 12 of the Office action, the Examiner cites Konrad, specifically Fig. 4. Konrad discloses that in the case of a surface roller made of rubber, only a single smoothing roller (5) is to be provided exclusively. The disclosure of Konrad teaches away from using several glazing rollers made of rubber, as recited in claim 1, 10, and 12 of the instant application.

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It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 10, or 12. Claims 1, 10, and 12 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claim 1, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1-5, 7-10, and 12 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

If an extension of time for this paper is required, petition for extension is herewith made.

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Please charge any other fees which might be due with respect  
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &  
Greenberg P.A., No. 12-1099.

Respectfully submitted,

  
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